

FEDERAL COMMUNICATIONS COMMISSION
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June 16, 2015

Mr. Todd Mohr
Synergy Broadcast North Dakota, LLC
5399 Wallace Lane
Ludington, MI 49431

Re: KQLZ (FM), New England, ND
Synergy Broadcast North Dakota, LLC
Facility Identification Number: 164305
Special Temporary Authority
BSTA-20150601AEP

Dear Mr. Mohr:

This is in reference to the request filed June 1, 2015, for Synergy Broadcast North Dakota, LLC ("Synergy"). Synergy requests Special Temporary Authority to operate KQLZ at a temporary site on Channel 239 in New England, ND to restore this repeatedly silent station to operation.¹ The

¹ The previous licensee of KQLZ, Horizon Christian Fellowship ("HCF") had requested STA to remain silent due to "inadequate financial resources" (see BLSTA-20110318AEQ, filed March 18, 2011). HCF filed a Resumption of Operation notice on May 5, 2011, followed by a second silent station STA request (BLSTA-20110520ABR) that was granted July 18, 2011.

On July 28, 2011, HCF filed application BALED-20110728AFF to assign KQLZ from HCF to Synergy. The assignment application was granted September 26, 2011 and the assignment was consummated on October 6, 2011. In that same time period, Synergy filed a modification of license application (BMLH-20110822ABT, filed August 22, 2011) to change the station license from noncommercial educational to commercial; the modification of license was granted October 13, 2011. It does not appear that the station was in operation at that point, since Synergy filed a silent STA extension request on January 13, 2012 (BLESTA-20120113ACX). Synergy filed a Resumption of Operation notice on April 4, 2012 followed by yet another STA request to remain silent (BLSTA-20120508ACI) and another extension of that (BLESTA-20130307AAP) and another Resumption of Operation notice on April 25, 2013.

Just 5 days later, Synergy filed a new STA request to remain silent (BLSTA-20130430ACT) and a subsequent extension request (BLESTA-20140115ABK) followed by another Resumption of Operation notice on April 11, 2014. Once more this was followed by an STA request to remain silent (BLSTA-20140423ABE) and an extension request (BLSTA-20150202ABD) and a March 23, 2015 Resumption of Operations notice. Seven days after that, Synergy filed its latest request to remain silent (BLSTA-20150330AFG), granted April 15, 2015.

Presently, Synergy must restore KQLZ to authorized operation no later than March 24, 2016 to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

Additionally, Synergy/KQLZ holds construction permit BPH-20120727AHW for Class C1 facilities on Channel 239 (95.7 MHz) at Beulah, ND; that construction permit expires November 30, 2015. Thus, KQLZ must move to that community, it cannot remain for long at New England, ND. This move cannot be made via Special Temporary Authority: KQLZ must implement authorized construction permit facilities at Beulah.

change in transmitter site is said to be necessary as last winter's weather has rendered the licensed transmitter site unusable.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area without extending it;² (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

In the present case, the site is located approximately 0.5 mile (0.8 km) south of the center of New England, just east of Main Street south. At this location there does not appear to be any permanent structure – not even a pole – which is suitable for mounting an FM antenna. Consequently, we require additional information to document the manner that the antenna will be supported. Synergy must also document the steps to be taken to preclude access to the transmitter facility from the public or workers (e.g., fencing).

In addition, Synergy must provide the address of KQLZ's main studio and show how the audio programming will be relayed from the studio to the transmitter.

Further action on this STA request will be withheld for until July 16, 2015 to afford Synergy an opportunity to provide the additional information requested in this letter. The information shall be provided via letter to be filed through the Office of the Secretary, FCC, Washington, DC 20554 (signed original and two copies). Failure to respond in this time period will result in the dismissal of this STA request.

Lastly, we remind Synergy that the station's license will expire as a matter of law upon twelve consecutive months of silence [**ending March 24, 2016**]. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, *Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603 (2008).

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Todd Mohr (via e-mail)

² For FM, the 1.0 mV/m (60 dBu) contour.